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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,804	05/16/2001	Linda Ann Roberts	BLL0435US	1529

36192 7590 05/23/2011

AT&T Legal Department - CC
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

EXAMINER	
MATTIS, JASON E	

ART UNIT	PAPER NUMBER
2461	

MAIL DATE	DELIVERY MODE
05/23/2011	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/855,804
Filing Date: May 16, 2001
Appellant(s): ROBERTS ET AL.

David A. Fox
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/22/11 appealing from the Office action mailed 10/18/10.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-3, 5-21, 23-27, and 29 are pending in the application.

Claims 1-3, 5-8, 11-18, 21, 23-25, and 29 are rejected under 35 U.S.C. 103(a) over Dolan et al. (U.S. Patent US 6,477,246 B1) in view of Leung et al. (U.S. Patent 6,005,870) and Hoopes (U.S. Patent 6,058,171).

Claims 9-10, 19-20, and 26-27 are rejected under 35 U.S.C. 103(a) over Dolan et al. (U.S. Patent US 6,477,246 B1) in view of Leung et al. (U.S. Patent 6,005,870), Hoopes (U.S. Patent 6,058,171), and Taylor (U.S. Patent US 6,922,411 B1).

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 6,477,246 B1	Dolan et al.	11-2002
6,005,870	Leung et al.	12-1999
6,058,171	Hoopes	5-2000
US 6,922,411 B1	Taylor	7-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5-8, 11-18, 21, 23-25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan et al. (U.S. Patent 6,477,246 B1) in view of Leung et al. (U.S. Patent 6,005,870) and in further view of Hoopes (U.S. Pat. 6058171).

With respect to claim 1, Dolan et al. discloses a system for routing an incoming call from a calling party for a telephone line of a subscriber **(See column 2 line 51 to column 3 line 12 and Figure 1 of Dolan et al. for reference to a system that routes calls for a subscriber)**. Dolan et al. also discloses a service switching point associated with the telephone line, and a service control point in communication with the service switching point **(See column 2 line 51 to column 3 line 12 and Figure 1 of Dolan et al. for reference to local exchange switch 27, which is a service switching point associated with the subscriber line of second entity 22, and for reference to**

command center 25, which is a service control point in communication with the local exchange switch 27). Dolan et al further discloses that when the service switching point detects the incoming call, it launches a query comprising a subscriber number to the service control point **(See column 4 lines 17-46 and Figure 4 of Dolan et al. for reference to after detecting an incoming call sending information including both the caller telephone number and the called telephone number to the command center 25)**. Dolan et al. also discloses the service control point receiving the query and referring to a database storing a subscriber's number, priority caller information, and at least one instruction from the subscriber **(See column 5 lines 5-28 and Figure 3 of Dolan et al. for reference to associating a subscriber number with a list of stored numbers, which are priority caller numbers, as well as instructions for handling calls from these numbers added at the subscriber's discretion, with the instructions being instructions for executing a priority action and for reference to these numbers and instructions being stored in a message store memory 33, which is a database)**. Dolan et al. also discloses the service control point returning a default response if the calling party is not a priority caller and a priority response if the calling party is a priority caller **(See column 5 lines 5-28 and Figure 7 of Dolan et al. for reference to determining if the calling party number has call handling instructions, and if the calling party number has call handling instructions, executing these instructions, meaning that if there is no call handling instructions associated with the calling party number that some default response must be sent such that the call is handled)**. Dolan et al. further discloses

that the priority response comprises forwarding the incoming call to another telephone associated with another telephone line, forwarding the incoming call to a wireless telephone associated with the subscriber, and establishing a communication session with a calling party and a computer associated with the subscriber via a computer network **(See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that forwards the call to a different telephone associated with a different telephone line, such as a business number or a different personal number, forwards the call to a cell phone, which is a wireless telephone, and initiates a connection to various internet devices, which are computer devices associated with the subscriber)**. Dolan et al. does not specifically disclose the priority caller information including a subscriber generated priority code provided to a plurality of priority callers and submitted by a priority caller. Dolan et al. also does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.

With respect to claim 11, Dolan et al. discloses a method for routing an incoming call from a calling party for a telephone line of a subscriber **(See column 2 line 51 to column 3 line 12 and Figure 1 of Dolan et al. for reference to a system that implements a method to route calls for a subscriber)**. Dolan et al. also discloses associating a subscriber number with priority caller information and storing the subscriber number, the priority caller information, and at least one instruction form the

subscriber in a database **(See column 5 lines 5-28 and Figure 3 of Dolan et al. for reference to associating a subscriber number with a list of stored numbers, which are priority caller numbers, as well as instructions for handling calls from these numbers added at the subscriber's discretion, with the instructions being instructions for executing a priority action and for reference to these numbers and instructions being stored in a message store memory 33, which is a database)**. Dolan et al. further discloses detecting the incoming call, consulting the database to determine whether the incoming call comprises the priority caller information, and executing the priority action if the incoming call comprises the priority caller information **(See column 5 lines 5-28 and Figure 7 of Dolan et al. for reference to handling a call by receiving it at a local exchange switch, which detects the incoming communication to a telephone line of a subscriber, consulting the message store memory 33 to determine if the caller number is associated with any call handling instructions, and if the caller number is associated with call handling instructions, executing the call handling instructions)**. Dolan et al. also discloses that the priority action includes an action to generate an outgoing call to another telephone associated with another telephone line, an action to generate an outgoing call to a wireless telephone associated with the subscriber, and an action to establish a communication session among the incoming communication and a computer associated with the subscriber **(See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that**

initiates an outgoing call to a different telephone associated with a different telephone line, such as a business number or a different personal number, initiates an outgoing call to a cell phone, which is a wireless telephone, and initiates a connection to various internet devices, which are computer devices associated with the subscriber). Dolan et al. does not specifically disclose the priority caller information including a subscriber generated priority code provided to a plurality of priority callers and submitted by a priority caller. Dolan et al. also does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone.

With respect to claim 14, Dolan et al. discloses a method for routing an incoming call from a calling party for a telephone line of a subscriber **(See column 2 line 51 to column 3 line 12 and Figure 1 of Dolan et al. for reference to a system that implements a method to route calls for a subscriber)**. Dolan et al. also discloses associating a subscriber number with at least one priority caller number comprising two or more priority codes for executing a priority action for processing an incoming communication and storing the subscriber number the priority caller number, and at least one instruction form the subscriber in a database **(See column 5 lines 5-28 and Figure 3 of Dolan et al. for reference to associating a subscriber number with a list of stored numbers, which are priority caller numbers, as well as instructions for handling calls from these numbers added at the subscriber's discretion, with the instructions being priority codes for executing a priority action and for reference to these numbers and instructions being stored in a message store**

memory 33, which is a database). Dolan et al. further discloses detecting the incoming call, consulting the database to determine whether the incoming call comprises the at least one priority caller number, and executing the priority action if the incoming communication comprises the at least one priority caller number **(See column 5 lines 5-28 and Figure 7 of Dolan et al. for reference to handling a call by receiving it at a local exchange switch, which detects the incoming communication to a telephone line of a subscriber, consulting the message store memory 33 to determine if the caller number is associated with any call handling instructions, and if the caller number is associated with call handling instructions, executing the call handling instructions)**. Dolan et al. also discloses that the priority response comprises forwarding the incoming call to another telephone associated with another telephone line, forwarding the incoming call to a wireless telephone associated with the subscriber, and establishing a communication session with a calling party and a computer associated with the subscriber via a computer network **(See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that forwards the call to a different telephone associated with a different telephone line, such as a business number or a different personal number, forwards the call to a cell phone, which is a wireless telephone, and initiates a connection to various internet devices, which are computer devices associated with the subscriber)**. Dolan et al. does not specifically disclose the priority caller information including a subscriber generated

priority code provided to a plurality of priority callers and submitted by a priority caller. Dolan et al. also does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.

With respect to claim 21, Dolan et al. discloses a method for routing an incoming call from a calling party to a telephone line of a subscriber **(See column 2 line 51 to column 3 line 12 and Figure 1 of Dolan et al. for reference to a system that implements a method to route calls for a subscriber)**. Dolan et al. also discloses associating a subscriber number with at least one priority code and storing the subscriber number, the at least one priority code, and at least one instruction from the subscriber in a database **(See column 5 lines 5-28 and Figure 3 of Dolan et al. for reference to associating a subscriber number with a list of stored numbers, which are priority caller numbers, as well as instructions for handling calls from these numbers added at the subscriber's discretion, with the instructions being priority codes for executing a priority action and for reference to these numbers and instructions being stored in a message store memory 33, which is a database)**. Dolan et al. further discloses soliciting the calling party for a priority code comprising an instruction for executing a priority action, receiving the calling party priority information, consulting the data base to determine if the priority code matches any of the at least one priority codes, and executing the priority action according to the calling parity information **(See column 4 lines 17-58 and Figure 4 of Dolan et al. for reference to prompting a caller to give a touch tone ID, which is priority information that**

comprising an instruction for executing an action based on the ID, and for reference to searching message store memory 33 for the information and executing a call handling instruction according to the ID entered by the caller). Dolan et al. also discloses that the terminating equipment comprises a telephone and a computer **(See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to initiating a connection to both telephones and various internet devices, which are computer devices, associated with the subscriber)**. Dolan et al. does not specifically disclose the priority caller information including a subscriber generated priority code provided to a plurality of priority callers and submitted by a priority caller. Dolan et al. also does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.

With respect to claim 29, Dolan et al. discloses a method comprising associating a subscriber number with priority caller information comprising a priority caller number and a priority caller code comprising an instruction for executing a priority action for processing an incoming communication and storing the subscriber number, the priority caller information, and at least one instruction from the subscriber in a database **(See column 5 lines 5-28 and Figure 3 of Dolan et al. for reference to associating a subscriber number with a list of stored numbers, which are priority caller numbers, as well as instructions for handling calls from these numbers added at the subscriber's discretion, with the instructions being instructions for executing a priority action and for reference to these numbers and instructions**

being stored in a message store memory 33, which is a database). Dolan et al. also discloses detecting the incoming communication to a telephone line of a subscriber, consulting the database to determine whether the incoming communication comprises the priority caller information, and executing the priority action if the incoming communication comprises the priority caller information **(See column 5 lines 5-28 and Figure 7 of Dolan et al. for reference to handling a call by receiving it at a local exchange switch, which detects the incoming communication to a telephone line of a subscriber, consulting the message store memory 33 to determine if the caller number is associated with any call handling instructions, and if the caller number is associated with call handling instructions, executing the call handling instructions)**. Dolan et al. further discloses that the priority action includes an action to generate an outgoing call to another telephone associated with another telephone line, an action to generate an outgoing call to a wireless telephone associated with the subscriber, and an action to establish a communication session among the incoming communication and a computer associated with the subscriber **(See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that initiates an outgoing call to a different telephone associated with a different telephone line, such as a business number or a different personal number, initiates an outgoing call to a cell phone, which is a wireless telephone, and initiates a connection to various internet devices, which are computer devices associated with the subscriber)**. Dolan et al. also discloses

prompting the calling party to input calling party priority information comprising an instruction for executing a priority action, receiving the calling party priority information, and executing the priority action according to the calling parity information **(See column 4 lines 17-58 and Figure 4 of Dolan et al. for reference to prompting a caller to give a touch tone ID, which is priority information that comprising an instruction for executing an action based on the ID, and for reference to executing a call handling instruction according to the ID entered by the caller)**. Dolan et al. further discloses that the terminating equipment comprises a telephone and a computer **(See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to initiating a connection to both telephones and various internet devices, which are computer devices, associated with the subscriber)**. Dolan et al. does not specifically disclose the priority caller information including a subscriber generated priority code provided to a plurality of priority callers and submitted by a priority caller. Dolan et al. also does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.

With respect to claims 1, 11, 14, 21, and 29, Leung et al., in the field of communications, discloses using priority caller information including a subscriber generated priority code provided to a plurality of priority callers and submitted by a priority caller **(See the abstract, column 4 line 66 to column 6 line 35 and Figure 1 of Leung et al. for reference to a called party, which is a subscriber, generating PINs for individuals or access codes for groups, which are subscriber generated**

priority codes, that are provided to and subsequently are entered by calling parties during a call in order to control special treatment or the call). Using priority caller information including a generated priority code provided to a plurality of priority callers and submitted by a priority caller has the advantage of allowing callers to be given special priority treatment based on entry of the priority code.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Leung et al., to combine using priority caller information including a generated priority code provided to a plurality of priority callers and submitted by a priority caller, as suggested by Leung et al., with the system and method of Dolan et al., with the motivation being to allow callers to be given special priority treatment based on entry of the priority code.

With respect to claim 5, Dolan et al. does not disclose that the default response comprises an instruction for the service switching point to terminal the call using a regular ringing tone and the priority response comprises an instruction for the service switching point to terminate the call using a priority alert signal.

With respect to claim 13, Dolan et al. discloses prompting the calling party to input calling party priority information comprising an instruction for executing a priority action, receiving the calling party priority information, and executing the priority action according to the calling parity information **(See column 4 lines 17-58 and Figure 4 of Dolan et al. for reference to prompting a caller to give a touch tone ID, which is priority information that comprising an instruction for executing an action based on the ID, and for reference to executing a call handling instruction according to**

the ID entered by the caller). Dolan et al. also discloses that the priority action includes an action to generate an outgoing call to another telephone associated with another telephone line, an action to generate an outgoing call to a wireless telephone associated with the subscriber, and an action to establish a communication session among the incoming communication and a computer associated with the subscriber **(See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that initiates an outgoing call to a different telephone associated with a different telephone line, such as a business number or a different personal number, initiates an outgoing call to a cell phone, which is a wireless telephone, and initiates a connection to various internet devices, which are computer devices associated with the subscriber)**. Dolan et al. does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone.

With respect to claim 15, Dolan et al. does not disclose playing a priority alert signal to alert the subscriber of the incoming call.

With respect to claims 1, 5, 11, 13-15, 21, and 29, Hoopes, in the field of communications, discloses a priority response comprising an action to ring a telephone with an alert signal that is different from a regular ring tone and a default response comprising an action to ring a telephone with a regular ring tone **(See column 5 line 66 to column 7 line 14 and Figure 8 of Hoopes for reference to determining if a caller**

is a priority caller based on the telephone number of the caller, using a unique ring to signal the caller if the caller is a priority caller, and using a default ring if the caller is not a priority caller). Using a priority response comprising an action to ring a telephone with an alert signal that is different from a regular ring tone and a default response comprising an action to ring a telephone with a regular ring tone has the advantage of allowing a called party to determine the priority or identity of a caller before a call is answered based on the type of ring.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Hoopes, to combine using a priority response comprising an action to ring a telephone with an alert signal that is different from a regular ring tone and a default response comprising an action to ring a telephone with a regular ring tone, as suggested by Hoopes, with the system and method of Dolan et al. and Leung et al., with the motivation being to allow a called party to determine the priority or identity of a caller before a call is answered based on the type of ring.

With respect to claim 2, Dolan et al. discloses that the query comprises priority caller information **(See column 4 lines 17-46 of Dolan et al. for reference to the information that is sent including the telephone number of the caller)**.

With respect to claims 3 and 12, Dolan et al. discloses that the priority caller information is a telephone number associated with a second telephone line that is used by the calling party to initiate the incoming call **(See column 4 lines 17-46 of Dolan et al. for reference to the information that is sent including the telephone number of the caller)**.

With respect to claims 6, 16 and 23, Dolan et al. discloses that the priority response comprises initiating a call to another telephone associated with the subscriber **(See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that forwards the call to a different telephone associated with a different telephone line, such as a business number or a different personal number)**.

With respect to claims 7, 17, and 24, Dolan et al. disclose that the another telephone is a wireless telephone **(See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that forwards the call to a cell phone, which is a wireless telephone)**.

With respect to claims 8, 18, and 25, Dolan et al. discloses establishing a communication session with a computer associated with the subscriber via a computer network **(See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that initiates a connection to various internet devices, which are computer devices associated with the subscriber)**.

3. Claims 9-10, 19-20, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan et al. in view of Leung et al. and Hoopes as applied to claims

1-3, 5-8, 11-18, 21, 23-25, and 29 above, and in further view of Taylor (U.S. Pat. 6922411 B1).

With respect to claims 9, 19, and 26, the combination of Dolan et al., Leung et al., and Hoopes does not disclose that the communications session uses TCP/IP.

With respect to claims 10, 20, and 27, the combination of Dolan et al., Leung et al., and Hoopes does not disclose that the communications session is a voice-over-Internet protocol session.

With respect to claims 9-10, 19-20, and 26-27, Taylor, in the field of communications, discloses a follow me service that connects a subscriber using TCP/IP and voice-over-Internet protocol **(See column 5 lines 44-49 and column 7 line 48 to column 8 line 3 of Taylor for reference to using TCP/IP and Voice-over-IP protocol as a part of a follow-me-find-me application)**. A follow me service that connects a subscriber using TCP/IP and voice-over-Internet protocol has the advantage of using two widely accepted transmission formats to transmit a call over the Internet to the subscriber.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Taylor, to combine a follow me service that connects a subscriber using TCP/IP and voice-over-Internet protocol, as suggested by Taylor, with the system and method of Dolan et al., Leung et al., and Hoopes, with the motivation being to use two widely accepted transmission formats to transmit a call over the Internet to the subscriber.

(10) Response to Argument

I. Rejection of claims 1-3 and 5-8

Claims 1-3 and 5-8 have been rejected under 35 U.S.C. 103(a) over Dolan et al. (U.S. Patent US 6,477,246 B1) in view of Leung et al. (U.S. Patent 6,005,870) and Hoopes (U.S. Patent 6,058,171). Regarding Applicant's argument that the limitation of claim 1 stating "a priority response comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone" is not rendered obvious over the teachings of Dolan et al. in view of Leung et al. and Hoopes, the Examiner respectfully disagrees. Dolan et al. discloses a system for routing calls that includes returning a priority response if a calling party is a priority caller (See column 5 lines 5-28 and Figures 3 and 7 of Dolan et al. for reference to checking to see if the number of a calling party matches a number stored in memory that corresponds to a number that a subscriber wishes to speak to always, which is equivalent to a priority caller, and for reference to if the calling party does match a stored number, executing a call handling instruction corresponding to the stored number). Dolan et al. does not specifically disclose that the priority response comprises an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone. Hoopes discloses ringing a telephone with an alert signal that is different from a regular ringing tone if a calling party is a priority caller (See column 5 line 66 to column 7 line 14 and Figure 8 of Hoopes for reference to comparing the number of a calling party to numbers stored in a database, wherein

numbers stored in the database are equivalent to priority callers, and for reference to if a match is found, ringing a telephone with a ring that is different from a regular ringing tone). Using an alert signal that is different from a regular ring tone has the advantage of allowing a called party to determine the priority or identity of a caller before a call is answered based on the type of ring. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine using an alert signal that is different from a regular ring tone, as suggested by Hoopes, with the system of Dolan et al., such that a subscriber of the system of Dolan would gain the same advantage of being able to determine the priority or identity of a caller before a call is answered based on the type of ring. Applicant argues that there is no need for a “priority" alert ring” in Dolan as all calls connected to the subscriber have already been screened to determine if the caller has sufficient priority and that a priority alert ring would be redundant an unnecessary in Dolan as callers lacking the requisite priority are not connected to the subscriber. The Examiner respectfully disagrees with these arguments. As pointed out in the Final Rejection mailed 10/18/10, since Hoopes teaches using different rings corresponding to different priorities and different callers, who are each priority callers, providing a priority alert ring, as disclosed by Hoopes, in the system and method of Dolan et al. still provides the advantage of allowing a user learn the exact priority or identity of multiple different priority callers based on the type of ring. For example, during a time when the user of the system and method of Dolan et al. allows calls of any priority to be received, a priority alert signal as taught by Hoopes would allow the user to have further knowledge regarding the identity of a caller before answering a call. Thus,

instead of just knowing that a caller is of at least priority currently being allowed, the subscriber further could identify the specific priority or specific caller making the call based on the ring type. Therefore, since the system and method of Dolan et al. would gain this advantage when incorporating the priority alert ring taught by Hoopes, there is motivation to combine the teachings of Hoopes with the system of Dolan et al., and it would have been obvious to combine these teachings.

Applicant further argues that the Office Action proposes replacing the audible message of Dolan et al. with a priority alert ring of Hoopes and to do this would alter the principle of operation of Dolan et al. The Examiner also respectfully disagrees with this argument. First, this argument mischaracterizes the rejections by suggesting that the rejections are based on a replacement of the audible message taught by Dolan et al. with the priority alert ring taught by Hoopes. The rejections provided in the Final Rejection mailed 10/18/10 do not propose any such replacement, but rather propose adding a priority alert ring, as taught by Hoopes, to the system of Dolan et al. including the audible message, as taught by Dolan et al. Such a combination has the advantage of allowing a subscriber to first, identify the specific priority or specific caller making the call based on the ring type before determining whether to then listen to an audible message recorded by the calling party. For example, a subscriber may identify the specific caller making the call based on the ring type and then, after making this identification, decide whether to answer the call right away, whether to listen to the audible message to gain further knowledge regarding the reason for the call, or whether to ignore the call at that point. Therefore, since an advantage is gained by adding a

priority alert ring, as taught by Hoopes, to the system of Dolan et al. including the audible message, it is believed that there is proper motivation to combine the teachings of Hoopes with the system and method of Dolan et al. Further, even if the rejection were based on a replacement of the audible message taught by Dolan et al. with the priority alert ring taught by Hoopes, it is still believed that such a replacement would have been obvious. For example, Dolan et al. discloses that the audible message is used to allow a subscriber to learn more information regarding the identity of a caller before answering a call. The priority alert ring of Hoopes has the same use of allowing a subscriber to learn more information regarding the identity of a caller before answering a call. Therefore, since is has been held that substituting one known element for another prior art element performing the same function is an obvious variation, it is believed that substituting audible message taught by Dolan et al. with the priority alert ring taught by Hoopes would also have been obvious to one of ordinary skill in the art at the time of the invention.

II. Rejection of claims 11-13

III. Rejection of claims 14-18

IV. Rejection of claims 21 and 23-25

V. Rejection of claim 29

VI. Rejection of claims 9-10, 19-20, and 26-27

Applicant's arguments regarding all of these claims are identical to the arguments provided in response to the rejection of claims 1-3 and 5-8. Therefore it is believed that

all of these claims are rendered obvious, as shown in the Final Rejection mailed 10/18/10, for the same reasons as provided in the response to the Applicant's arguments regarding 1-3 and 5-8, above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jason Mattis

/Jason E Mattis/

Primary Examiner, Art Unit 2461

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Huy Vu

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